



TRICARE  
MANAGEMENT  
ACTIVITY

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SEP 9

MEMORANDUM FOR TRICARE MANAGEMENT ACTIVITY


SUBJECT: Patient Satisfaction Surveys Concerning Patients Ages 11 through 17

Measuring patient satisfaction associated with an episode of care in the Military Health System (MHS) is extremely problematic for patients under the age of 18. Under the HHS HIPAA Privacy Final Rule, protected health information encompasses not only the clinical information but also information relating to the "provision of care." State laws differ with regard to access to care and consent to medical treatment for certain types of care permitted by individual states. For instance, in Alabama, "Any minor who is 14 years of age or older, or has graduated from high school, or is married, or having been married is divorced or is pregnant may give effective consent to any legally authorized medical, dental, health or mental health services for himself or herself, and the consent of no other person shall be necessary." While in Nevada, "a minor may give consent for the services for himself or for his child, if he is: (a) Living apart from his parents or legal guardian, with or without the consent of the parent, parents or legal guardian, and has so lived for a period of at least 4 months;(b) Married or has been married;(c) A mother, or has borne a child; or (d) In a physician's judgment, in danger of suffering a serious health hazard if health care services are not provided."

In essence, the survey cannot be mailed directly to the minor patient. In instances when a minor can consent to medical treatment by state law, it would be in violation of HIPAA to send the survey to the parent or guardian and inform them that the minor received care at one of our facilities.

The conditions under which minors are authorized to consent to treatment revolve around reproductive and mental health services. While the sample excludes behavioral health clinics and minors seen in an OB/GYN clinic, a child could be seen in family practice or a general medical clinic for mental healthcare or reproductive services. The sample is extracted from a CHCS ad-hoc data set that does not include diagnosis and procedure codes. At the time of the data extraction, that data may or may not be available in the medical data repository.

As indicated in the examples provided above, there may be other criteria (e.g. graduating from high school,) that would not be available in any medical data system that would confer upon the minor the legal right to consent to medical treatment. Therefore, use of event based surveys for minor children in the MHS will be limited to those ages 10 and under. While it is still possible to select a minor that meets a state's criteria to consent for medical care, it is highly unlikely. To assess satisfaction with healthcare for adolescents between the ages of 11 through 17 the MHS will use the Health Care Survey of DoD Beneficiaries.



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Director, HPA&E

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COORDINATION

TMA Privacy Officer



9/9/05

TMA OGC

Concurred

09/09/05